IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

SMARTFLASH LLC and SMARTFLASH TECHNOLOGIES LIMITED,)))
Plaintiffs,	Civil Action No. 6:13-cv-447-JRG-KNM
v.) JURY TRIAL DEMANDED
APPLE INC., ROBOT ENTERTAINMENT, INC., KINGSISLE ENTERTAINMENT, INC., and GAME CIRCUS LLC,)))
Defendants.))

DEFENDANT APPLE INC.'S NOTICE OF THE FEDERAL CIRCUIT'S ISSUANCE OF A TEMPORARY STAY

Defendant Apple Inc. ("Apple") submits this notice to apprise the Court that on July 10, 2015, the Federal Circuit issued an order in which it vacated its prior denial of motions for a temporary stay filed by both Apple and the Defendants in *Smartflash LLC*, et al. v. Samsung Electronics Co., Ltd., et al., Case No. 6:13-cv-00448-JRG-KNM ("Samsung Case"), and granted the motions for temporary stay pending disposition of Apple and the Samsung Defendants' appeal of this Court's denial of a stay under Section 18 of the America Invents Act (Dkt. 558, Case No.6:13-cv-447; Dkt. 510, Case No. 6:13-cv-448). The order is attached as Exhibit A. In light of the Federal Circuit's order, the Court issued the Order attached as Exhibit B in the Samsung Case. Apple respectfully requests that the Court enter the same order in this case to reflect that all further proceedings in this case—including but not limited to the new trial on damages previously set for September 14—are taken off calendar until after the Federal Circuit has resolved the appeal.

As set forth in the correspondence attached as Exhibit C, Apple has sought to meet and confer with counsel for Plaintiffs about further proceedings in light of the Federal Circuit's stay order since it was entered on July 10. Plaintiffs have refused to discuss this issue with Apple and have refused to provide any substantive response to Apple's request to implement the stay in this Court. Instead, Plaintiffs have asked Apple to state their position thusly: "Smartflash's position is that Apple's present request is premature given that only a temporary stay is in place. Smartflash believes that the parties should promptly confer amongst themselves and with the Court upon further developments affecting the temporary stay and/or the appeal."

Dated: July 15, 2015 By: /s/ Ching-Lee Fukuda

Ching-Lee Fukuda
NY Bar No. 2884088
(Eastern District of Texas Member)
Ching-Lee.Fukuda@ropesgray.com
Kevin J. Post (pro hac vice)
Kevin.Post@ropesgray.com
ROPES & GRAY LLP
1211 Avenue of the Americas

New York, NY 10036-8704 Telephone: (212) 596-9000 Facsimile: (212) 596-9050

James R. Batchelder CA Bar No. 136347 (Eastern District of Texas Member) James.Batchelder@ropesgray.com Lauren N. Robinson CA Bar No. 255028 (Eastern District of Texas Member) Lauren.Robinson@ropesgray.com ROPES & GRAY LLP

1900 University Ave 6th Floor East Palo Alto, CA 94303-2284 Telephone: (650) 617-4000 Facsimile: (650) 617-4090

Douglas H. Hallward-Driemeier (pro hac vice)
Douglas.HallwardDriemeier@ropesgray.com
Megan F. Raymond (pro hac vice)
Megan.Raymond@ropesgray.com

ROPES & GRAY LLP

700 12th St. NW Suite 900 Washington, DC 20005 Telephone: (202) 508-4600

Facsimile: (202) 508-4650

Mark A. Perry (pro hac vice) mperry@gibsondunn.com

GIBSON, DUNN & CRUTCHER LLP

1050 Connecticut Avenue, N.W. Washington, DC 20036

Telephone: (202) 955-8500 Facsimile: (202) 467-0539

H. Mark Lyon mlyon@gibsondunn.com

GIBSON, DUNN & CRUTCHER LLP

1881 Page Mill Road Palo Alto, CA 94304-1211 Telephone: (650) 849-5300 Facsimile: (650) 849-5333

Melissa Smith TX Bar No. 24001351

GILLIAM & SMITH LLP

303 South Washington Avenue

Marshall, TX 75670

Telephone: (903) 934-8450 Facsimile: (903) 934-9257 Melissa@gilliamsmithlaw.com

Attorneys for Defendant Apple Inc.

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2015, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to CM/ECF participants in this case.

/s/ Ching-Lee Fukuda

Ching-Lee Fukuda